

### **REMARKS/ARGUMENTS**

Claims 1, 5-9, 12, 15, 16 and 20-31 are pending. Claims 2-4, 10, 11, 13, 14 and 17-19 are cancelled without prejudice. Claims 26-31 are new. No admission or representation is made by the present argument other than that explicitly provided herein.

#### **Status of Related Applications**

The following U.S., foreign, and international patent applications are or may be considered to be related to the application herein. Relevant documents pertaining to such cases are or have been provided in one or more separately-filed Information Disclosure Statements. The status of such applications is summarized in order to ensure that the Office is fully apprised of the current state thereof. In the event the Office has any questions about the identified cases, the Examiner is requested to call the Applicant's representative at the number below.

<b>Serial No.</b>	<b>Country</b>	<b>Status</b>
2,497,492	Canada	Granted
1,569,131	Europe	Granted
1,569,131	Germany	Registered
1,569,131	Spain	Registered
1,569,131	France	Registered
1,569,131	United Kingdom	Registered
1076176	Hong Kong	Registered
1,569,131	Italy	Registered

#### **Claim Amendments**

Claim 1 has been amended for clarity. Support for these amendments may be found throughout the application as filed, for example in paragraphs [0043] and [0045].

Claims 9 and 12 have been similarly amended.

The dependent claims have been amended to agree with the independent claims.

New claims 26-31 have been added corresponding to claims 5-8.

### **Claims Rejections - 103**

Claims 1, 7-9 and 12 stand rejected under 35 U.S.C. 103(a) having regard to Lin et al. US 6,999,916 (hereinafter “Lin”) in view of Stringham US 2002/0188670 (hereinafter “Stringham”). The Applicant respectfully disagrees for at least the reasons provided below.

For the purposes of this response, claim 1 is representative of independent claims 9 and 12. Claim 1 describes a method for translating a portion of a text-based communication to be transmitted from a wireless device. The described method allows a user, while composing a text-based communication, to indicate portions of text for which a translation is required, using a trigger symbol inputted into the text during composition of the text. A translation for the portion of text is obtained before the communication is sent. When the communication is to be sent, the user is prompted to confirm the translation and the portion of text is replaced with the translation.

In particular, claim 1 recites:

- a method of translating a portion of a text-based communication that is at least partly carried out “during composition of the text-based communication”
- determining the portion of text to be translated by monitoring the text-based communication for the presence of “a trigger symbol inputted into the text during composition of the text”
- providing a prompt corresponding to the portion of text to be translated, where the prompt “comprises the translation of the portion of text”

At least these elements are not all found in Lin and Stringham, whether taken alone or in combination.

**Legal requirement for a finding of obviousness**

In order to reject a claim based on a combination of references, as explained at MPEP 2143 (citing the Supreme Court in *KSR v. Teleflex*), “Office personnel must resolve the *Graham* factual inquiries. Then, Office personnel must articulate the following:

- (1) a finding that the prior art included each element claimed, although not necessarily in a single prior art reference, with the only difference between the claimed invention and the prior art being the lack of actual combination of the elements in a single prior art reference;
- (2) a finding that one of ordinary skill in the art could have combined the elements as claimed by known methods, and that in combination, each element merely performs the same function as it does separately;
- (3) a finding that one of ordinary skill in the art would have recognized that the results of the combination were predictable; and
- (4) whatever additional findings based on the *Graham* factual inquiries may be necessary, in view of the facts of the case under consideration, to explain a conclusion of obviousness.

*KSR*, 82 USPQ2d at 1395; *Sakraida v. AG Pro, Inc.*, 425 U.S. 273, 282, 189 USPQ 449, 453 (1976); *Anderson's-Black Rock, Inc. v. Pavement Salvage Co.*, 396 U.S. 57, 62-63, 163 USPQ 673, 675 (1969); *Great Atlantic & P. Tea Co. v. Supermarket Equipment Corp.*, 340 U.S. 147, 152, 87 USPQ 303, 306 (1950).

MPEP 2143 further notes that if “any of these findings cannot be made, then this rationale cannot be used to support a conclusion that the claim would have been obvious to one of ordinary skill in the art.”

The Applicant submits that in the present case, the cited references do not include each element claimed.

**Cited references do not teach or suggest a method of translating a portion of a text-based communication that is at least partly carried out “during composition of the text-based communication”**

Claim 1 recites a method of translating a portion of text-based communication, at least part of the method being carried out “during composition of the text-based communication”. The translation is performed before the communication is sent out from the device and during composition of the communication.

This is not the case in Lin and Stringham.

Lin is directed to providing translations for pre-existing text in a web page. Lin does not provide a translation method that is at least partly carried out during composition of a text-based communication, and before sending the communication. Rather, Lin is concerned with translating text that is already published on a web page. Lin provides a back-end approach in which the recipient of text carries out the translation, while in contrast, the present claims provide a front-end approach in which the composer of the text carries out the translation.

Stringham suffers from the same deficiency as Lin in that the translation is being offered to the recipient of pre-existing text, namely a received e-mail message. Stringham provides translation of an already composed e-mail message, and does not provide any method that is at least partly carried out during composition of a communication. Similarly to Lin, the translation provided by Stringham is carried out by the recipient of a message, in contrast to the present claims in which translation is carried out at by the composer of a communication.

Therefore, Lin and Stringham do not teach or suggest a method of translating a portion of a text-based communication that is at least partly carried out “during composition of the text-based communication”, as presently claimed.

**Cited references do not teach or suggest determining the portion of text to be translated by monitoring the text-based communication for the presence of “a trigger symbol inputted into the text during composition of the text”**

The present claims recite a method that includes monitoring a text-based communication during composition, for the presence of a trigger symbol inputted into the text and during composition of the text.

On page 3, the Office Action alleges that Lin teaches the use of a trigger symbol, based on the reasoning that highlighting a portion of text, as shown in FIG. 3 of Lin, is equivalent to a trigger symbol since highlighting a word creates a tag, such as in the background of a JQuery in JavaScript. The Applicant respectfully disagrees.

In the present claims, the trigger symbol is “inputted into the text during composition of the text”. It would be tedious and annoying to a user who is composing a communication to have to constantly stop entry of text in order to highlight text requiring a translation. Highlighting text is a selection of text by the user, and not an input of a symbol. Although highlighting a word might result in a tag being created, as the Office Action suggests, such a tag is created in the background by an automated process, and is not a symbol that is inputted into the text during composition. A person skilled in the art would understand that highlighting text is not the same as “a trigger symbol inputted into the text during composition of the text”, and does not serve the same function.

Stringham also does not teach or suggest any trigger symbol, nor has the Office Action cited any portions of Stringham as teaching this element.

Thus, Lin and Stringham do not teach or suggest at least the claimed element of determining the portion of text to be translated by monitoring the text-based communication for the presence of “a trigger symbol inputted into the text during composition of the text”.

**Cited references do not teach or suggest providing a prompt corresponding to the portion of text to be translated, where the prompt “comprises the translation of the portion of text”**

On page 6, the Office Action concedes “that Lin lacks providing one or more prompts, such that there is one prompt corresponding to each previously translated text and further where each prompt comprises the corresponding translation”. Stringham is relied upon to remedy this deficiency.

The Office Action cites the dialog window of Stringham, as shown in FIGS. 5 and 7, and described in paragraphs [0022]-[0023] of Stringham, as teaching a prompt comprising a translation. The Applicant respectfully submits that the Stringham does not teach any prompt comprising “the translation of the portion of text”, as presently claimed.

The dialog window shown in FIG. 5 of Stringham asks the user “Do you want to translate this e-mail message?” The dialog window shown in FIG. 7 of Stringham allows the user to selected the original language of the e-mail message and the language the message should be translated into. These windows provide the user with options for deciding whether to translate the message and further the original and translated languages of the message. There is no actual translation of any portion of text provided in these dialog windows.

Indeed, the dialog window of FIG. 5 is displayed before any translation takes place, as described in paragraph [0022] of Stringham: “before the e-mail program 14 retrieves the language of the designated correspondent to whom the e-mail message is addressed, the e-mail program 14 prompts the user to indicate whether translation is desired. Referring also to FIG. 5, the e-mail program 14 may prompt the user by generating a dialog window 82 that asks whether language translation is desired...If the user selects the first button 84, then the e-mail program 14 may cause the method of FIG. 3 to be performed...”

Similarly, FIG. 7 shows a dialog window that is display before any translation takes place. Paragraph [0023] of Stringham states: “referring also to FIG. 7, the e-mail

program 14 may prompt the user by generating a dialog window 94...After the user enters the languages at the dialog window 94, the e-mail program 14 causes the e-mail message to be translated in the manner specified...”

Therefore, the windows of FIG. 5 and 7 in Stringham do not include “the translation of the portion of text”, as presently claimed, since FIGS. 5 and 7 are presented before any translation takes place.

Therefore, Lin and Stringham do not teach or suggest providing a prompt corresponding to the portion of text to be translated, where the prompt “comprises the translation of the portion of text”

In view of the foregoing, the Applicant submits that Lin and Stringham, whether taken alone or in combination, do not teach or suggest at least the claimed elements:

- a method of translating a portion of a text-based communication that is at least partly carried out “during composition of the text-based communication”
- determining the portion of text to be translated by monitoring the text-based communication for the presence of “a trigger symbol inputted into the text during composition of the text”
- providing a prompt corresponding to the portion of text to be translated, where the prompt “comprises the translation of the portion of text”

Thus, claims 1, 9 and 12, and their dependent claims, are all patentable over Lin and Stringham.

#### **Dependent claims**

Claims 5, 6, 15, 16 and 20-25 stand rejected under 35 U.S.C. 103(a) having regard to Lin in view of Stringham, and further in view of Abir US 2004/0122656 (hereinafter “Abir”). The Applicant respectfully disagrees.

Claims 5, 6, 15, 16 and 20-25 depend from independent claims 1, 9 and 12, and therefore are patentable over Lin and Stringham at least by virtue of their dependencies on the independent claims. The deficiencies of Lin and Stringham are not all remedied by a further combination with Abir.

Therefore, claims 5, 6, 15, 16 and 20-25 are all patentable over Lin, Stringham and Abir.

### **Conclusion**

It is believed that the Applicant has responded to each ground of rejection raised by the Examiner, and that the claims, as presented, are in condition for immediate allowance. Favourable reconsideration and allowance of the application are respectfully requested. Should the Examiner have any questions in connection with the Applicant's submissions, please contact the undersigned.

If any extension of time under 37 C.F.R. 1.136 is required to obtain entry of this response, such extension is hereby respectfully requested. If there are any fees due under 37 C.F.R. 1.16 or 1.17 which are not enclosed herewith, including any fees required for an extension of time under 37 C.F.R. 1.136, please charge such fees to our Deposit Account No. 19-5113.

Respectfully submitted,

Dated: October 19, 2011

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